

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:16cv378-FDW**

**RUSSELL WAYNE STEVENS, JR.,**     )  
  )  
      **Petitioner,**                                 )  
  )  
**vs.**   )  
  )  
**FRANK L. PERRY<sup>1</sup>,**                                 )  
  )  
      **Respondents.**                                )  
\_\_\_\_\_ )

**ORDER**

The Court has received Petitioner Russell Wayne Stevens, Jr.’s pro se Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. No. 1) and application to proceed in forma pauperis (Doc. No. 2).

Federal law requires that a petitioner seeking habeas review of his state conviction and/or sentence in federal district court pay a filing fee in the amount of \$5.00 or be granted leave to proceed without prepayment of fees and costs. Rule 3(2) of the Rules Governing Section 2254 Cases in the United States District Courts requires a prisoner’s habeas petition be accompanied by “a motion for leave to proceed in forma pauperis, the affidavit required by 28 U.S.C. § 1915, and a certificate from the warden or other appropriate officer of the place of confinement showing the amount of money or securities that the petitioner has in any account in the institution.”

Petitioner has filed the required motion and affidavit. (Doc. No. 2.) Respondent shall be


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<sup>1</sup> Rule 2(a) of the Rules Governing Section 2254 Cases in the United States District Courts requires that a Petition for Writ of Habeas Corpus name the person who has immediate custody of the petitioner as the respondent in the action. Id., 28 U.S.C. folio § 2254. Consistent with Rule 2(a), Frank L. Perry, Secretary of the Department of Public Safety, is substituted for “The Attorney General of the State of North Carolina” as Respondent in this action.

directed to file the required account statement.

**IT IS, THEREFORE, ORDERED** that:

1. The Clerk of Court shall substitute Frank L. Perry for “The Attorney General of the State of North Carolina” as Respondent in this action;
2. Respondent shall provide the Court a certified copy of the prison trust account statement for inmate Russell Wayne Stevens, Jr., # 0518931, covering the six (6) month period immediately preceding the filing of the above-captioned action; and
3. Respondent shall file the above requested document with the Clerk of Court within twenty-one (21) days of entrance of this Order.

Signed: November 28, 2016

  
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Frank D. Whitney  
Chief United States District Judge

